

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

**IN RE: TAXOTERE (DOCETAXEL)
PRODUCTS LIABILITY LITIGATION**

Margaret Necastro

Plaintiff(s),

vs.

Sanofi-Aventis U.S. LLC, and Sanofi US Services Inc.
f/k/a Sanofi-Aventis U.S. Inc.

Defendant(s).

: **MDL NO. 2740**
:
: **SECTION “N”(5)**
: **JUDGE ENGELHARDT**
: **MAG. JUDGE NORTH**
:
: **COMPLANT & JURY DEMAND**
:
: **Civil Action No.: 2:17-cv-13940**
:
:
:
:
:
:
:
:
:
:
:
:

AMENDED SHORT FORM COMPLAINT

Plaintiff(s) incorporate by reference the Amended Master Long Form Complaint and Jury Demand filed in the above-referenced case on March 31, 2017. Pursuant to Pretrial Order No. 15, this Amended Short Form Complaint adopts allegations and encompasses claims as set forth in the Amended Master Long Form Complaint against Defendant(s).

Plaintiff(s) further allege as follows:

1. Plaintiff:
Margaret Necastro
2. Spousal Plaintiff or other party making loss of independent/secondary claim (i.e., loss of consortium):
N/A

3. Other type of Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

N/A

4. Current State of Residence: Florida
5. State in which Plaintiff(s) allege(s) injury: Florida and Pennsylvania
6. Defendants (check all Defendants against whom a Complaint is made):

a. Taxotere Brand Name Defendants

- ☐ A. Sanofi S.A.
- ☐ B. Aventis Pharma S.A.
- ☒ C. Sanofi US Services Inc. f/k/a Sanofi-Aventis U.S. Inc.
- ☒ D. Sanofi-Aventis U.S. LLC

b. Other Brand Name Drug Sponsors, Manufacturers, Distributors

- ☐ A. Sandoz Inc.
- ☐ B. Accord Healthcare, Inc.
- ☐ C. McKesson Corporation d/b/a McKesson Packaging
- ☐ D. Hospira Worldwide, LLC f/k/a Hospira Worldwide, Inc.
- ☐ E. Hospira, Inc.
- ☐ F. Sun Pharma Global FZE
- ☐ G. Sun Pharmaceutical Industries, Inc. f/k/a Caraco Pharmaceutical Laboratories Ltd.
- ☐ H. Pfizer Inc.
- ☐ I. Actavis LLC f/k/a Actavis Inc.
- ☐ J. Actavis Pharma, Inc.

☐ K. Other:

7. Basis for Jurisdiction:

☒ Diversity of Citizenship

☐ Other (any additional basis for jurisdiction must be pled in sufficient detail as required by the applicable Federal Rules of Civil Procedure):

8. Venue:

District Court and Division in which remand and trial is proper and where you might have otherwise filed this Short Form Complaint absent the direct filing Order entered by this Court:

United States District Court for the Southern
District of Florida and the United States District
Court for the Western District of Pennsylvania

9. Brand Product(s) used by Plaintiff (check applicable):

☒ A. Taxotere

☐ B. Docefrez

☒ C. Docetaxel Injection

☐ D. Docetaxel Injection Concentrate

☐ E. Unknown

☐ F. Other:

10. First date and last date of use (or approximate date range, if specific dates are unknown) for Products identified in question 9:

Approx. September 2010 - November 2010

11. State in which Product(s) identified in question 9 was/were administered:

Pennsylvania

12. Nature and extent of alleged injury (including duration, approximate date of onset (if known), and description of alleged injury):

Severe and personal injuries that are permanent and lasting in nature including economic and non-economic damages, harms and losses, including, but not limited to, past and future medical expenses; psychological counseling and therapy expenses; permanent disfigurement, including permanent alopecia; mental anguish; severe and debilitating emotional distress; increased risk of future harm; past, present and future physical and mental pain, suffering and discomfort; and past, present and future loss and impairment of the quality and enjoyment of life.

13. Counts in Master Complaint brought by Plaintiff(s):

- ☒ Count I – Strict Products Liability - Failure to Warn
- ☐ Count II – Strict Products Liability for Misrepresentation
- ☒ Count III – Negligence
- ☒ Count IV – Negligent Misrepresentation
- ☒ Count V – Fraudulent Misrepresentation
- ☒ Count VI – Fraudulent Concealment
- ☒ Count VII – Fraud and Deceit
- ☐ Count VIII – Breach of Express Warranty (Sanofi Defendants only)

- ☐ Other: Plaintiff(s) may assert the additional theories and/or State Causes of Action against Defendant(s) identified by selecting “Other” and setting forth such claims below. If Plaintiff(s) includes additional theories of recovery, for example, Redhibition under Louisiana law or state consumer protection claims, the specific facts and allegations supporting additional theories must be pleaded by Plaintiff in sufficient detail as required by the applicable Federal Rules of Civil Procedure.

N/A

14. Name of Attorney(s), Bar Number(s), Law Firm(s), Phone Number(s), Email Address(es) and Mailing Address(es) representing Plaintiff(s):

By:

JACKSON ALLEN & WILLIAMS,
LLP

/s/ Jennifer Williams
John H. Allen, III, Esq. -
Trial/Lead Counsel
tallen@jacksonallenfirm.com
Jennifer Williams, Esq.
jwilliams@jacksonallenfirm.com
3838 Oak Lawn Ave.,
Suite 1100
Dallas, Texas 75219
(214) 521-2300
(214) 452-5637 (Facsimile)

Attorneys for Plaintiff